

Attorney Docket No: GIGA-005/00US



PATENT

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR SEARCHING PEER-TO-PEER COMPUTER NETWORKS

the specification of which:

(check one)

☐ is attached hereto;

☐ was filed on _____, and identified as Attorney Docket No. _____, and was amended on _____ (if applicable);

☒ was filed as United States Application Serial No. 09/635,777 on August 11, 2000, and was amended on _____ (if applicable);

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I do not know and do not believe said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than six months prior to said application;

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

(Application Number)

(Filing Date) (day, month, year)

(Application Number)

(Filing Date) (day, month, year)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

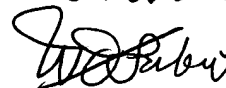
Full name of first inventor: Wilburt Juan LABIO

8 Nov 2000

Inventor's signature



Date



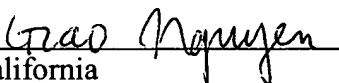
Residence: Sunnyvale, California

Citizen of: Philippines

Post Office Address: 979 Belmont Terrace #6, Sunnyvale, California 94086

Full name of second inventor: Giao Thanh NGUYEN

Inventor's signature



Date

9 Nov 2000

Residence: San Jose, California

Citizen of: United States

Post Office Address: 4813 Rue Calais, San Jose, California 95136

Full name of third inventor: Winston Wencheng LIU

Inventor's signature



Date

9 Nov 2000

Residence: Moreno Valley, California

Citizen of: United States

Post Office Address: 15705 Granada Drive, Moreno Valley, California 92551

Full name of fourth inventor: Gurmeet Singh MANKU

Inventor's signature



Date

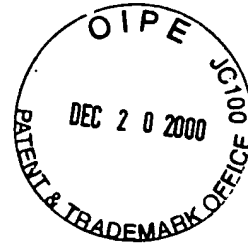
9 Nov 2000

Residence: Stanford, California

Citizen of: India

Post Office Address: 124-A Escondido Village, Stanford, California 94305

Attorney Docket No: GIGA-005/00US



PATENT

Applicant or Patentee: Wilburt J. LABIO et al.

Serial No.: 09/635,777

Patent No.:

Filed: August 11, 2000

Issued:

For: SYSTEM AND METHOD FOR SEARCHING PEER-TO-PEER
COMPUTER NETWORKS

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
37 CFR SECTIONS 1.9(f) & 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern
identified below:

Name of Small Business Concern: Gigabeat, Inc.
Address of Small Business Concern: 345 California Avenue, Suite 3
Palo Alto, CA 94306

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under 35, United States Code 41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention identified above and described in

☐ the specification filed herewith

☒ the application identified above

☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would

not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name:

Address:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements are made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature

Erin Turner

Date

Nov. 9, 2000

Name of Person Signing

Erin Turner

Title of person other than owner

Co-founder and CEO

Address of person signing:

345 California Avenue, Suite 3
Palo Alto, CA 94306